

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
CIVIL ACTION NO: 7:09-CV-61-BO

CEDRIC COGDELL, )  
 )  
Plaintiff, )  
vs. ) ORDER GRANTING ATTORNEY'S  
 ) FEES PURSUANT TO  
MICHAEL J. ASTRUE, ) 42 U.S.C. § 406(b)  
Commissioner of )  
Social Security, )  
 )  
Defendant. )

On April 27, 2010, a Judgment and order were entered reversing the decision of the Commissioner under sentence four of 42 U.S.C. § 405(g) and § 1383(c)(3) and remanding this case to the Commissioner for payment of benefits.

Pending before the Court is attorney James B. Gillespie's (Plaintiff's Counsel) Motion for Attorney Fees Pursuant to 42 U.S.C. § 406(b). Plaintiff's Counsel requests an award of attorney fees in the amount of \$12,456.00. Defendant does not object, providing that Plaintiff's Counsel return to Plaintiff the \$6,847.73 that is to be awarded under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

Plaintiff's Counsel's Motion is hereby GRANTED. Defendant is Ordered to pay \$12,456.00 to Plaintiff's Counsel, James B. Gillespie, pursuant to 42 U.S.C. § 406(b). Plaintiff's Counsel is Ordered to return the \$6,847.73 EAJA fee to Plaintiff.

This 6 day of July, 2010.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT COURT JUDGE